

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MS JUSTICE G.ROHINI
WRIT PETITION NO : 16373 of 2004

Between:

Gandla Eshwarappa @ Eshwaraiah, S/o Veerappa,
R/o Dharur Village and Mandal, Ranga Reddy District.

..... PETITIONER

AND

- 1 Sri Veerabhadreswara Swamy Devastanam,
rep. by its Manager, Dharur Village,
Ranga Reddy District.
- 2 The Assistant Commissioner of Endowments,
Ranga Reddy District.
- 3 Telugu Laxmaiah @ Kavali Laxmaiah, S/o Yellaiah,
R/o Darur Village and Mandal, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent Nos. 1 and 2 herein in attempting to dispossess the petitioner from the land in an extent of Ac. 0-39 Gts in Sy.No. 191 and Ac. 7-08 in Sy.No. 193 of Dharur Village and Mandal, Ranga Reddy District, without conducting the enquiry pursuant to the representation dt. 12-7-2004 submitted by the petitioner before the 2nd respondent, as arbitrary, illegal, irrational contrary to principles of natural justice and has the effect of violating the fundamental rights guaranteed to the petitioner Under Article 21 of the Constitution of India, and consequently direct the respondents not to dispossess the petitioner from the said land.

Counsel for the Petitioner: MR.T.PARIPURNA CHARY

Counsel for the Respondent No.1: MR K.RAVI

Counsel for the Respondent No.2: GP FOR ENDOWMENTS

The Court at the admission stage made the following :

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ORDER:

The petitioner claims to be a cultivating tenant in respect of the land belonging to the 1st respondent-temple. It appears that when there was a threat of dispossession, he filed writ petition No.10913 of 2004 in this Court, contending that being a land less poor person, he is entitled

to the benefit of Sub Section (2) of Section 82 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987. The said writ petition was disposed of on 05-07-2004, granting leave and liberty to the petitioner to make a claim before the 2nd respondent- Assistant Commissioner of Endowments, Ranga Reddy District. He states that accordingly he made a claim on 12-07-2004 before the 2nd respondent, and the same is pending enquiry. In the meanwhile, it appears that the 1st respondent-temple, conducted auction in respect of the leasehold rights of the lands in question, and the 3rd respondent was declared as highest bidder. Subsequently, this writ petition has been filed on 13-09-2004, alleging that the respondents 1 and 2 have been attempting to dispossess the petitioner and taking steps to handover the possession of the land in question to the 3rd respondent. It is also contended that since the enquiry is pending before the 2nd respondent, he is entitled to continue in possession and that the action of the respondents is arbitrary and illegal.

This court by order dated 13-09-2004, while directing notice before admission, ordered that status quo obtaining as on that day as to the nature and possession of the land in question shall be maintained.

Today when the matter is taken up for consideration, Sri K. Ravi, learned counsel appearing for the 1st respondent, under instructions states that the Assistant Commissioner of Endowments having conducted enquiry, passed an order on 07-09-2004, holding that the petitioner is not a land less person/small farmer, and the claim of the petitioner has been rejected. The learned counsel for the petitioner did not dispute the same and states that the petitioner is entitled to make an appeal before the Regional Joint Commissioner, against the order dated 07-09-2004, and therefore he may be permitted to prefer such an appeal,

and till the disposal of the appeal his possession may be protected.

Having heard the learned counsel for both the parties and in the light of the material on record, I am of the view that it would be appropriate to protect the possession of the petitioner till the disposal of the statutory appeal.

Accordingly, the writ petition is disposed of, with a direction that if the petitioner prefers an appeal before the Regional Joint Commissioner within the period of limitation granted under the statutory rules, order of status quo granted by this Court on 13-09-2004, shall be maintained till the disposal of the said appeal. There shall also be a direction to the Regional Joint Commissioner that in the event of preferring an appeal, the same be disposed of, as expeditiously as possible, and appropriate orders be passed within a period of four weeks from the date of preferring the appeal. No costs.

23-09-2004

vs

To

- 1 The Assistant Commissioner of Endowments,
Ranga Reddy District.
- 2 Two CCs to the G.P for Endowments, High Court Buildings,
Hyderabad(O.U.T).
- 3 Two CD copies.